

JOINT BUDGET COMMITTEE



STAFF BUDGET BRIEFING FY 2019-20

DEPARTMENT OF PUBLIC SAFETY (Division of Criminal Justice)

JBC WORKING DOCUMENT - SUBJECT TO CHANGE
STAFF RECOMMENDATION DOES NOT REPRESENT COMMITTEE DECISION

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DEPARTMENT OF PUBLIC SAFETY

DIVISION OF CRIMINAL JUSTICE

DIVISION OVERVIEW

The Division of Criminal Justice (DCJ) is organized into the following offices.

- **Office of Administration:** provides oversight and support for the entire division.
- **Office for Victims Programs:** administers federally funded grant programs for crime victims and the State VALE (Victim Assistance and Law Enforcement) grant program. These grant programs help state and local agencies assist and support victims of crimes, including sexual assault victims and child abuse victims. Some grants also support related criminal investigations. Recipients include district attorneys, local law enforcement agencies, and local programs that provide victim-assistance services. The Office also runs a victim's rights act compliance program and responds to requests for assistance in implementing Colorado's victim's rights amendment.
- **Office of Adult and Juvenile Justice Assistance:** administers (1) federally funded criminal and juvenile justice grant programs and (2) the state's juvenile diversion grant program.
- **Office of Community Corrections:** provides most of the funding for the state's community corrections programs and for the community corrections boards that provide local oversight and control of these programs. The Office also sets standards for facilities, audits for compliance, and provides technical assistance and training for boards and programs.
- **Office of Domestic Violence and Office of Sex Offender Management:** assists the Domestic Violence Offender Management Board and the Sex Offender Management Board in developing and implementing standards and policies for the evaluation, treatment, monitoring, and management of convicted adult domestic violence offenders and convicted adult and adjudicated juvenile sex offenders. Both boards maintain lists of approved treatment providers and help train providers.
- **Office of Research and Statistics:** collects and disseminates criminal justice information, analyzes justice policies and problems, evaluates criminal justice programs, and provides support to the Colorado Commission on Criminal and Juvenile Justice. The Office's reports include forecasts of adult and juvenile correctional and parole populations used by the Joint Budget Committee (Committee).
- **Office of Evidence Based Practices for Capacity (EPIC):** works with agencies around the state to implement and maintain evidence-based practices.

The Division of Criminal Justice has the following responsibilities:

- Oversee Colorado's community corrections system by:
- Collect, analyze, and disseminate statewide criminal-justice statistics and other criminal-justice information.
- Provide recommendations and develop plans of action for the General Assembly, state agencies, and local governments detailing measures to improve the criminal justice system, reduce crime, and reduce juvenile delinquency.
- Promote evidence-based criminal justice practices that have been shown by research to be effective.

- Help law enforcement agencies improve their law enforcement systems and their relationships with other agencies and the statewide system.
- Administer federal and state criminal and juvenile justice grant programs.
- Administer victim assistance programs, including the State VALE program (Victims Assistance and Law Enforcement), the federal VOCA program (1984 Victims of Crime Act), and the federal VAWA program (1994 Violence against Women Act).
- Provide support to the Domestic Violence Offender Management Board (DVOMB), the Sex Offender Management Board (SOMB), and administer related programs.

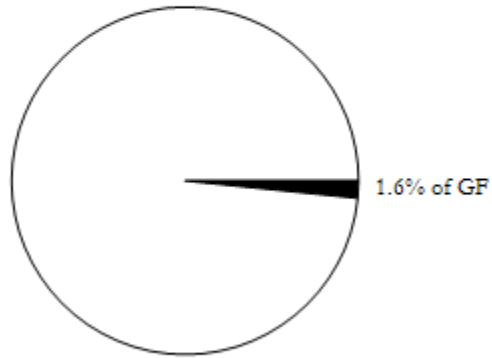
DIVISION BUDGET: RECENT APPROPRIATIONS

FUNDING SOURCE	FY 2016-17	FY 2017-18	FY 2018-19	FY 2019-20 *
General Fund	\$68,564,574	\$70,563,375	\$75,516,473	\$76,229,434
Cash Funds	3,412,931	3,389,998	4,803,108	4,858,563
Reappropriated Funds	5,649,661	5,722,524	5,781,085	5,839,555
Federal Funds	27,648,677	22,248,607	34,611,523	34,638,209
TOTAL FUNDS	\$105,275,843	\$101,924,504	\$120,712,189	\$121,565,761
Full Time Equiv. Staff	72.4	72.7	82.1	82.9

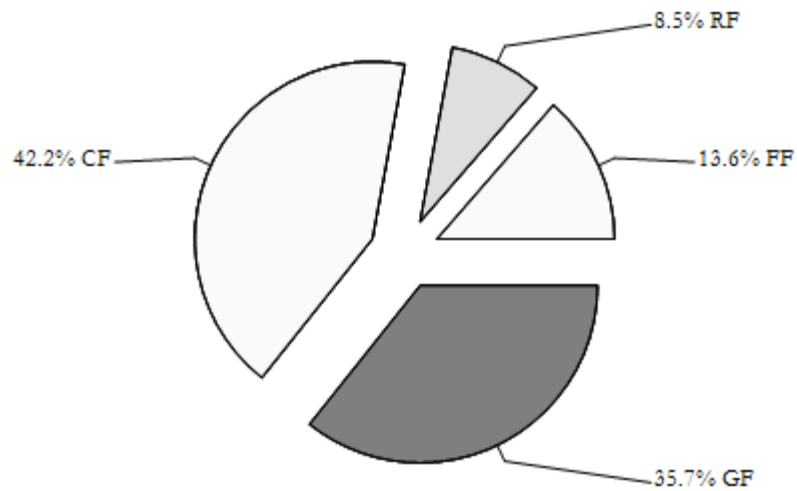
*Requested appropriation.

DEPARTMENT BUDGET: GRAPHIC OVERVIEW

**Department's Share of Statewide
General Fund**

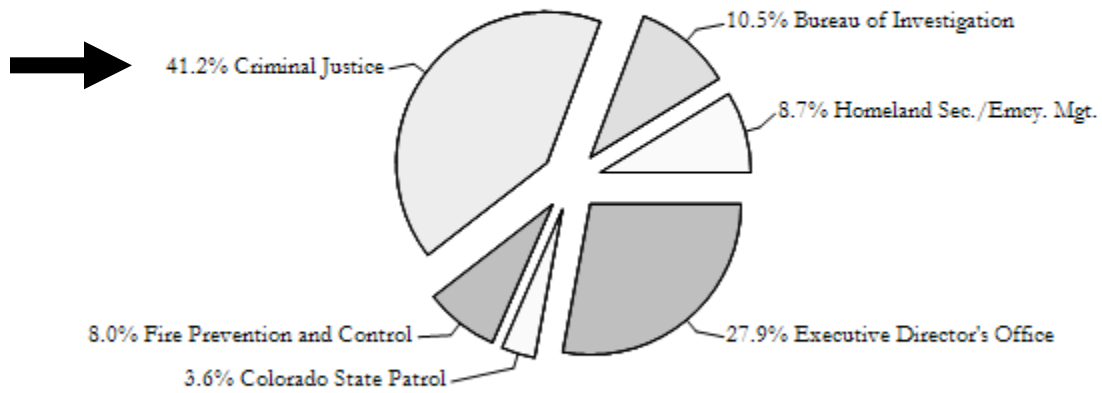


Department Funding Sources

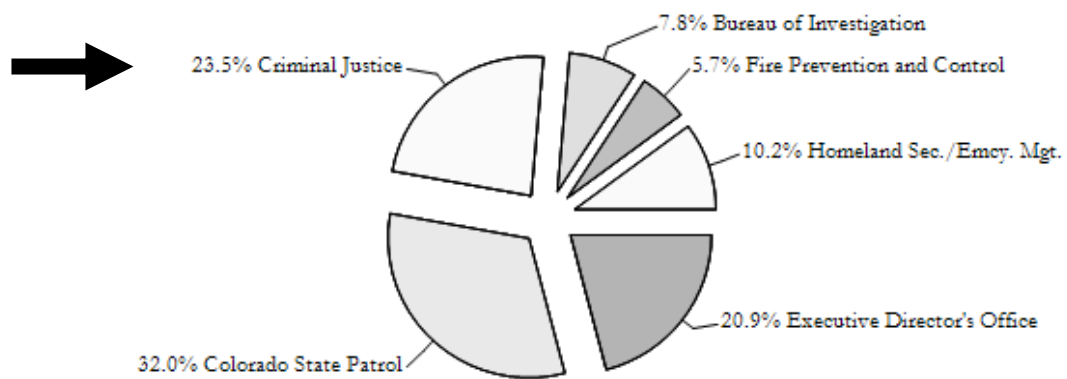


All charts are based on the FY 2018-19 appropriation.

Distribution of General Fund by Division



Distribution of Total Funds by Division



All charts are based on the FY 2018-19 appropriation.

GENERAL FACTORS DRIVING THE BUDGET

OFFICE OF COMMUNITY CORRECTIONS

The primary factor driving the Division of Criminal Justice's General Fund budget is the cost of community corrections (ComCor) programs. Local governments, private providers, and non-profit agencies operate community corrections facilities, previously known as halfway houses. They provide convicted offenders with supervision and structure in both residential and nonresidential settings. There are three types of community corrections placements:

- Diversion placements for offenders sentenced directly to community corrections by the courts in lieu of a prison sentence;
- Transition placements for offenders who have served a sentence in the Department of Corrections and are released to a residential community corrections bed in preparation for parole; and
- Parole placements for offenders who are required to spend part of their time on parole in a community corrections facility.

Specialized Treatment. All residential community corrections facilities provide programs for their offenders, covering such things as drug and alcohol education, anger management classes, parenting, and money management. Some residential programs provide much more extensive, specialized therapy. The additional cost of a specialized residential program, over and above the standard residential rate, is called a differential. These therapies include:

- *Intensive Residential Treatment (IRT)* - a 90-day residential substance-abuse program.
- *Therapeutic Communities* – focuses on substance abuse, sometimes in combination with mental illness. They have inpatient and outpatient phases.
- *Residential Dual Diagnosis Treatment (RDDT)* - programs address co-occurring mental health and substance abuse problems. They have inpatient and outpatient phases.
- The *John Eachon Re-Entry Program (JERP)* - offers intensive residential and non-residential treatment for offenders with serious mental illnesses and substance abuse disorders.

FACILITY PAYMENTS

Starting in FY 2014-15, ComCor facilities began receiving a fixed payment independent of the number of residents. This is called a facility payment. The facility payment is a fixed facility fee designed to be proportionately more valuable to a small facility than a large one. The intent of the facility payment is to level the playing field for small community corrections facilities, which cannot take advantage of economies of scale. The FY 2014-15 facility payment request was approximately \$3.0 million General Fund and the current FY 2019-20 facility payment request is \$4.2 million General Fund.

COMMUNITY PROVIDER RATE

Another driver of the DCJ budget is provider rate increases, which mainly affect the Office of Community Corrections. This is due to a main function of ComCor., which is to provide treatment to clients. These treatments come from providers that qualify for any common policy provider rate adjustments. The request for provider rate increases in FY 2019-20 is \$707,006 total funds.

SUMMARY: FY 2018-19 APPROPRIATION & FY 2019-20 REQUEST

DEPARTMENT OF PUBLIC SAFETY						
(DIVISION OF CRIMINAL JUSTICE ONLY)						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2018-19 APPROPRIATION:						
HB 18-1322 (Long Bill)	\$118,737,222	\$75,032,327	\$3,312,287	\$5,781,085	\$34,611,523	78.0
Other legislation	1,974,967	484,146	1,490,821	0	0	4.1
TOTAL	\$120,712,189	\$75,516,473	\$4,803,108	\$5,781,085	\$34,611,523	82.1
FY 2019-20 REQUESTED APPROPRIATION:						
FY 2018-19 Appropriation	\$120,712,189	\$75,516,473	\$4,803,108	\$5,781,085	\$34,611,523	82.1
R9 Provider rate increase	707,006	680,588	0	26,418	0	0.0
Leap year adjustment	194,130	175,344	0	18,786	0	0.0
Annualize prior year legislation	29,916	23,231	(2,381)	2,560	6,506	0.4
Indirect cost assessment	12,554	0	36,007	0	(23,453)	0.0
Annualize prior year budget actions	(90,034)	(166,202)	21,829	10,706	43,633	0.4
TOTAL	\$121,565,761	\$76,229,434	\$4,858,563	\$5,839,555	\$34,638,209	82.9
INCREASE/(DECREASE)	\$853,572	\$712,961	\$55,455	\$58,470	\$26,686	0.8
Percentage Change	0.7%	0.9%	1.2%	1.0%	0.1%	1.0%

R9 COMMUNITY PROVIDER RATE: The request includes an increase of \$707,006 total funds, including \$680,588 General Fund, for a 1.0 percent community provider rate increase for community corrections providers. The reappropriated funds are from the Correctional Treatment Cash Fund in the Judicial Department. The Correctional Treatment Fund receives a General Fund transfer pursuant to Section 18-19-103 (3.5), C.R.S. Any increase in the community provider rate may increase the amount of the General Fund transferred to the Correctional Treatment Fund so that the balance of the fund can support all appropriations from the fund. The Committee will vote on the transfer amount during the Judicial Department figure setting presentation.

LEAP YEAR ADJUSTMENT: The request includes an increase of \$194,130 total funds, including \$175,344 General Fund, to adjust for the additional leap year day for line items that pay a daily rate.

ANNUALIZE PRIOR YEAR LEGISLATION: The appropriation includes adjustments for the out-year impact of prior year legislation.

ANNUALIZE PRIOR YEAR LEGISLATION						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
S.B. 18-200 (PERA)	\$18,104	\$8,634	\$404	\$2,560	\$6,506	0.0
H.B. 18-1251 (OCC Transition Payments)	14,597	14,597	0	0	0	0.2
H.B. 18- 1020 (Civil Forfeiture Reforms)	(2,785)	0	(2,785)	0	0	0.2
TOTAL	\$29,916	23,231	(\$2,381)	\$2,560	\$6,506	0.4

INDIRECT COST ASSESSMENT: The appropriation includes a net increase in the division's indirect cost assessment.

ANNUALIZE PRIOR YEAR BUDGET ACTIONS: The request includes adjustments for the second-year impact of prior year budget actions.

ANNUALIZE PRIOR YEAR BUDGET ACTIONS						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
Prior year salary survey	\$169,926	\$93,758	\$21,829	\$10,706	\$43,633	0.0
OCC Pace	15,040	15,040	0	0	0	0.4
Subsistence payment	(275,000)	(275,000)	0	0	0	0.0
TOTAL	(\$90,034)	(166,202)	\$21,829	\$10,706	\$43,633	0.4

ISSUE: PERFORMANCE BASED CONTRACTING

The current budgeting and contracting structure in Community Corrections (ComCor) creates a disincentive for quality programs and for providers and boards to “up their game.” The current funding model is not transparent, creates difficulty in determining funding levels for the program, and has become a hindrance to quality outcomes within ComCor.

SUMMARY

The current budgeting and contracting structure in ComCor has several deficiencies that affect the ability of the program to have quality outcomes. The current funding structure for community corrections is comprised of three components: State payments (which contains three sub-components), Client payments, and Other payments (which are contained in multiple line items). This divided funding structure makes the overall funding for ComCor difficult to figure out.

In 2017, the Division of Criminal Justice (DCJ) began using the Program Assessment for Correctional Excellence (PACE) tool to evaluate community corrections providers. The PACE will provide the Division with baseline performance information. The Division is also running two additional assessments that will help to determine program costs. The combination will ultimately provide a status of where the program is. This information can be used to implement performance based contracting (PBC).

Switching the funding for Community Corrections (ComCor) to a PBC model will create incentives to improve quality of service, outcomes, and system compliance. It will also hold ComCor providers and Boards accountable for outcomes, while at the same time incentivizing those outcomes.

RECOMMENDATION

Staff recommends the Committee sponsor legislation requiring performance based contracts (PBC) for providers and Community Corrections Boards. Staff also recommends that these PBCs be implemented with incentive models rather than punitive models and that the first tier be a baseline that is not adjusted for common policy rate increases or inflation.

DISCUSSION

Funding for ComCor comes from the General Fund, client payments, and other sources like county funds. The current funding structure for community corrections does not incentivize providers to improve services or performance. The Division of Criminal Justice (DCJ) has implemented several assessments, including the Program Assessment for Correctional Excellence (PACE), in order to use evidence-informed standards in the evaluation of ComCor providers. The combination of these assessments provide a measurement standard DCJ can use to implement performance based contracting.

CURRENT FUNDING STRUCTURE FOR COMMUNITY CORRECTIONS

The current funding structure for ComCor is comprised of three components:

- State payments,
- Client payments, and
- Other payments.

STATE PAYMENTS:

State payments used by ComCor include per diems (also called the daily rate), differentials, and facility payments. The state also makes payments to support the Community Corrections Boards in an amount not to exceed 5.0 percent of the total ComCor appropriation.

Per Diem (daily rate): The state pays all community correction facilities a flat per-client-per-day fee to house regular clients. This amount is set via a Long Bill footnote each year and used to calculate the appropriation.

Differentials: Specialized programs received an additional per-client-per-day "differential" paid for the higher cost of specialized treatment programs. Providers are compensated for the lower subsistence received from clients in specialized programs.

FY 2017-18 COMMUNITY CORRECTIONS RATES EXCLUDING FACILITY PAYMENTS			
PLACEMENT TYPE	DIFFERENTIAL		
	BASE	RATES	TOTAL
Standard residential	\$43.11	\$0.00	\$43.11
Cognitive behavioral treatment pilot program	43.11	53.17	96.28
Intensive Residential Treatment	43.11	47.83	90.94
Inpatient Therapeutic Community	43.11	28.40	71.51
Residential Dual Diagnosis Treatment	43.11	36.14	79.25
Sex Offender	43.11	36.14	79.25
Standard Non-residential	6.28	0	6.28
Outpatient Therapeutic Community	22.53	0	22.53

Facility Payments: Facility payments were added in FY 2014-15. The Facility payment is a set amount paid to each community correction facility regardless of size. The facility payment was based on the following model-staffing plan, which was derived from data provided by a selection of community corrections providers. This model plan shows the minimum staffing required for well-designed facilities of 50 to 140 beds.

JBC STAFFING MODEL FOR COMMUNITY CORRECTIONS FACILITIES WITH NO SPECIALIZED BEDS					
	FACILITY SIZE				% STAFF INCREASE VS % BED INCREASES
	50.0	80.0	110.0	140	
Average daily population of resident clients	50.0	80.0	110.0	140	180%
Required Staff	19.9	22.6	26.8	29.5	48%

As this model shows, ComCor functions like any other economic system when it comes to economies of scale. This means that as facilities increase in size, the cost per client drops significantly. For example, as the resident population increases by 180 percent, staffing rises by only 48 percent. An important point of note: the drop in cost per client does not lead to better outcomes nor does it lead to future reduced state costs making this method inefficient and wasteful.

The facility payment was designed to make the playing field more level for smaller ComCor facilities, which cannot take advantage of economies of scale. A fixed facility payment is proportionately more valuable for a small facility than for a large one. However, this does nothing to improve outcomes in

the system and is an inefficient use of state resources. Why Staff does not argue the importance of small business and a competitive system, outcomes as a payment driver provides better use of resources and saves the state money in the near and long term by reducing recidivism through quality programs and outcomes.

The goal of a level playing field can still be achieved in a manner that promotes better outcomes. This can be done by associating a portion of the rate to a staff/client ratio. Having a lower staff to client ratio can improve outcomes by increased contact and supervision. Using this as a measure would lead to better outcomes and still have the effect of “leveling” the playing field, without the problem of ineffective subsidies. Of note: in this type of system, efficiencies of scale are lost.

CLIENT PAYMENTS (SUBSISTENCE)

Clients in most (but not all) community corrections programs are expected to pay a portion of the cost of their program:

- Subsistence in standard residential programs: Clients in standard residential community corrections programs are required to work as a condition of being in the program. These clients are expected to pay \$17 per day toward the cost of their room, board, and programs offered by the facility. This expected payment, called subsistence, equals \$6,205 (365 * \$17) annually. Clients in standard programs are often unable to pay the full subsistence amount. They may have difficulty finding a job, for example, or may lose a job. They also may have other expenses that make it difficult to pay the full amount, such as the cost of required treatment, restitution, child support, job-related costs, dental care, and medical care. A client's unpaid daily debt to a community corrections program begins accumulating on the day of arrival, but may never be paid in full. If the debt is unpaid the program must absorb the cost.
- Subsistence in specialized residential programs: Clients enrolled in specialized residential community corrections programs, such as Intensive Residential Treatment, Therapeutic Communities, and Residential Dual Diagnosis Treatment, either do not pay subsistence or only pay it for a portion of the time they are in residence. The differentials take into account the fact that clients in specialized programs pay reduced subsistence.
- Client payments in nonresidential programs: Clients in "standard" nonresidential programs are expected to pay \$3 daily or approximately \$90 per month.

There is debate, but no hard evidence either way, as to whether subsistence payments are beneficial or harmful. Arguments have also been made that the requirement on clients to pay subsistence is a barrier to client acceptance of ComCor placements. Staff has not found evidence that subsistence payments are a barrier to client acceptance. In speaking with multiple potential ComCor clients and looking at the data, clients have greater concerns than a subsistence payment. The needs for every client Staff met with surrounded around Maslow's Hierarchy of Needs. Staff did find that some clients near the end of the ComCor program became more concerned about subsistence and any debt related to it.

OTHER PAYMENTS

Some community corrections facilities have access to other funding sources, which can include county funds, revenues from other businesses, and federal funds. The General Assembly neither appropriates nor controls these funds.

CHANGING PAYMENTS TO A PERFORMANCE BASED FACTOR

The current budgeting and contracting structure in ComCor has several deficiencies that affect the ability of the program to have quality outcomes. There is no incentive for a facility to provide quality care or to have successful outcomes. This is not to say that all facilities are bad or provide poor service, but rather to say that the system does not encourage quality and successful outcomes.

The quality of services provided to offenders in ComCor programs can be essential to an offender's successful or unsuccessful reentry into society. An unsuccessful reentry has multiple negative consequences for all parties involved. The individual is likely to suffer additional incarceration, society likely had to endure additional crime, and further taxpayer money would be spent on the individual (for things like incarceration, treatment if time and resources allow, and another attempt on reentry into society).

PROGRAM ASSESSMENT FOR CORRECTIONAL EXCELLENT

On October 2, 2013, the Governor issued Executive Order B2013-010 which charged the Governor's Community Corrections Advisory Council to recommend modifications to the Colorado Community Corrections Standards and community corrections contracts. The intent was to improve the quality of programs; to enhance public safety; to identify and recommend evidence-based strategies to increase success rates; to reduce recidivism in community corrections; and to provide coordinated communication to providers, boards, referral agencies, and the general public in order to facilitate the advancement of community corrections in the State of Colorado.¹

In FY 2014-15 the Department was required to develop a future plan for performance-based contracting for ComCor while the Colorado Commission on Criminal and Juvenile Justice (CCJJ) set forth a formal recommendation to revise the current standards to better address risks and needs of the client population. The CCJJ also set forth a recommendation for DCJ to develop a program evaluation tool that would assess each programs' adherence to evidence-based principles and practices. It was this recommendation that served as the impetus for the Program Assessment for Correctional Excellence (PACE) tool that accompanies the standards.

In 2015, the Results First Analysis of the Governor's Office of State Planning and Budget led to formal action of the General Assembly to fund the develop and implementation of the PACE tool. In that same year, the Office of Community Corrections begun revisions of the standards with a subcommittee of the Advisory Council, which worked throughout 2016.

In 2017, DCJ established new standards by which community corrections providers must adhere in order to continue receiving state funding. The Program Assessment for Correctional Excellent (PACE) is a tool also implemented alongside the 2017 standards as a way to evaluate community correction providers' adherence to the new standards and adherence to the National Institute of Corrections standards. The PACE is a measurement tool with seven different practices. Each practice has between two and five subsets with each subset given a score from zero to four. The sources are totaled to give a final score.

¹ July 10, 2017 Division of Criminal Justice Letter to Stakeholders.

<https://cdpsdocs.state.co.us/occ/Standards/LettertoBoardsandCCStakeholders-2017StandardsandPACE-AsPublished.pdf>

In 2017, H.B. 17-1147 was passed which set forth a new statutory purpose of Colorado Community Corrections that reads, in part, to improve public safety by reducing the incidence of future crime through the design and implementation of research-based policies, practices, programs and standards. These standards comprise the total efforts to respond to these consecutive legislative, executive, and strategic directions to modernize the practices and policies of community corrections in our state.² While this is a promising start, a need exists to put these actions into practice through a system that rewards those facilities that adhere to them. This can be done through performance based contracting.

STAFF RECOMMENDATION

Staff recommends that the Committee sponsor legislation that directs the Department to begin the process of Performance Based Contracting (PBC) and to establish the new funding model for ComCor. This funding structure for ComCor will move the focus away from flat payments to an incentive based model. These types of contracts reward programs that produce better outcomes for those receiving services and will eventually cause those that do not want to provide quality outcomes to leave the market. The timeframe for this action should be such that the currently functions are not interrupted. To do this, staff recommends that the legislation encompass the following timeline:

- FY 2019-20 Session – Legislation is enacted to start the PBC process.
- No later than December 2019 – Department hires performance based contracting specialist for assistance in designing the contract.
- No later than July 2020 – Contract development completed and ready for implementation.
- No later than December 2020 – New contract structure presented to the Joint Budget Committee
- No later than January 2021 – All ComCor Boards and providers operate off the new PBC model.

UPWARD INCENTIVE

Staff also recommends creating an upward incentive for ComCor providers and Boards. One way in this model to incentive upward movement through the tiers is to set the first tier as a baseline derived from the Division's assessments. Leaving this baseline constant (not subject to provider rate increases or inflation), creates an incentive to move up through the tiers and will naturally weed out those that do not want to provide good outcomes.

LINE ITEM REPURPOSING

Staff is also recommending that once all facilities have an assessment and cost model, a new line item be created for a PBC incentive. Furthermore, staff recommends consolidating all the existing line items that fund ComCor to a single baseline line item. The Division can apply the existing payment structure through that line item. Using this method prevents a disruption in the system by not changing funding amounts in a rapid manner. It also allows for a more clear and transparent funding structure for ComCor.

² July 10, 2017 Division of Criminal Justice Letter to Stakeholders.

<https://cdpsdocs.state.co.us/occ/Standards/LettertoBoardsandCCStakeholders-2017StandardsandPACE-AsPublished.pdf>

ISSUE: EVIDENCE-BASED PRACTICES IMPLEMENTATION FOR CAPACITY (EPIC)

Evidenced-based Practices Implementation for Capacity (EPIC) was established to provide assistance with implementation of evidenced-based practices within the Departments of Corrections, Public Safety, Human Services, and the Judicial Department.

SUMMARY

The State of Colorado established the Evidenced-based Practices Implementation for Capacity (EPIC) to provide assistance with implementation of evidenced-based programs to multiple departments within the state. This was done as the State was looking for evidenced-based solutions to the current problems facing the State. While evidenced-based programs do not cover a large component of the budget, using these programs can create efficiencies in cost and improve outcomes.

Establishing and running an evidenced-based program is not as simple as pulling the program out of a box and turning it on. It is a much more complicated process that requires implementation fidelity in order to achieve the desired success. Implementation fidelity is where an evidenced-based program is operated in the manner that the original program operated in. It can be viewed as the “instructions” on how to run the program. This is important as the results from the original program were achieved by following the “instructions” on how to run the program. If the new program is not run in the same way, the chances of achieving the same outcomes are reduced.

EPIC has the ability to assist departments and programs with implementation fidelity and in addressing issues with ongoing programs that have not performed as intended. Addressing these programs, and new programs that need implementation assistance, will provide better outcomes. In addition, establishing and operating programs as intended will ensure state funds are not wasted.

Establishing EPIC as the State’s implementer of evidenced-based programs is the next step in establishing Colorado as a robust evidenced-based state. This step puts the state in a position to enact and evaluate programs for effectiveness and outcomes. These results can be used by Colorado, and all other states, to increase the list of programs that work and those that don’t work. Knowing this can prevent a waste of time and money on programs that will not produce the desired outcomes.

RECOMMENDATION

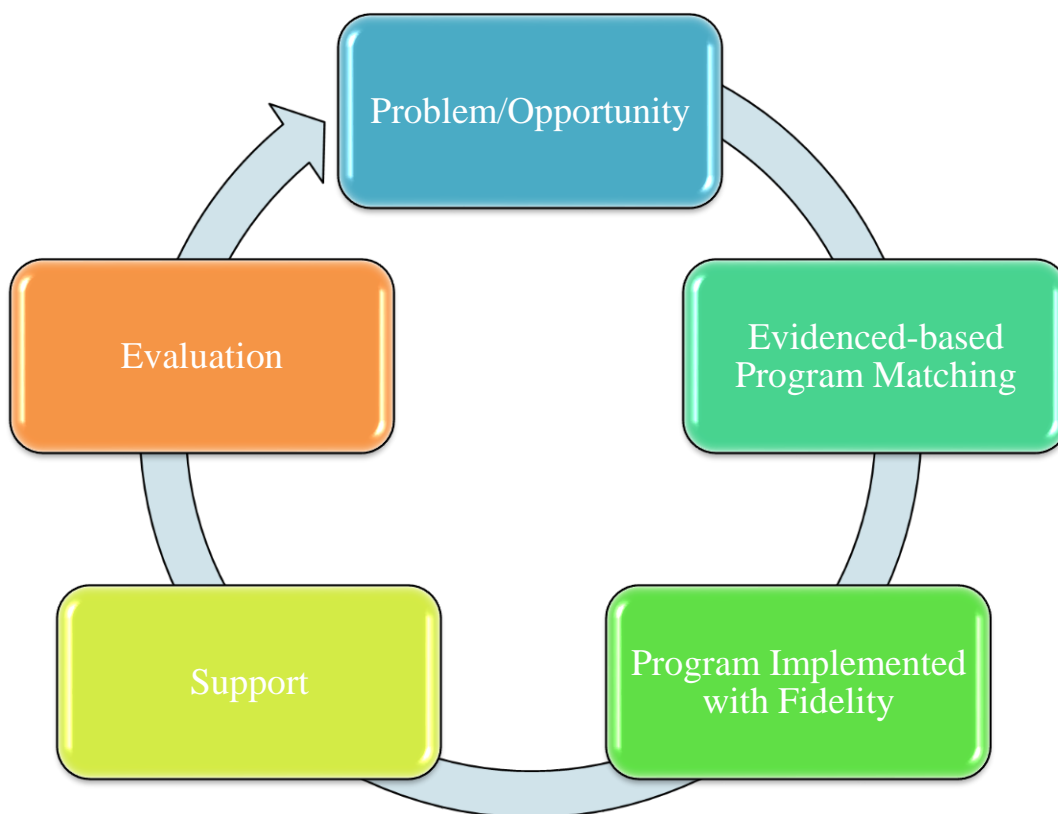
Staff recommends that the Committee sponsor legislation to designate EPIC as the state’s evidenced-based implementation entity. This change would entail removing the restrictions in statute that prevent EPIC from working with more than a handful of departments. Furthermore, staff recommends the legislation increase the scope of EPIC to allow it to work with existing programs in need, to work with departments at the early stages of program concept, to contract for evaluations (either through DU Lab or another appropriate entity), and to contract for experts in needed fields.

DISCUSSION

The State of Colorado has recently focused on evidenced based programs as a way to improve services provided to residents of the state. Using evidenced-based programs can lead to far better outcomes for individuals that a specific program is intended to serve.

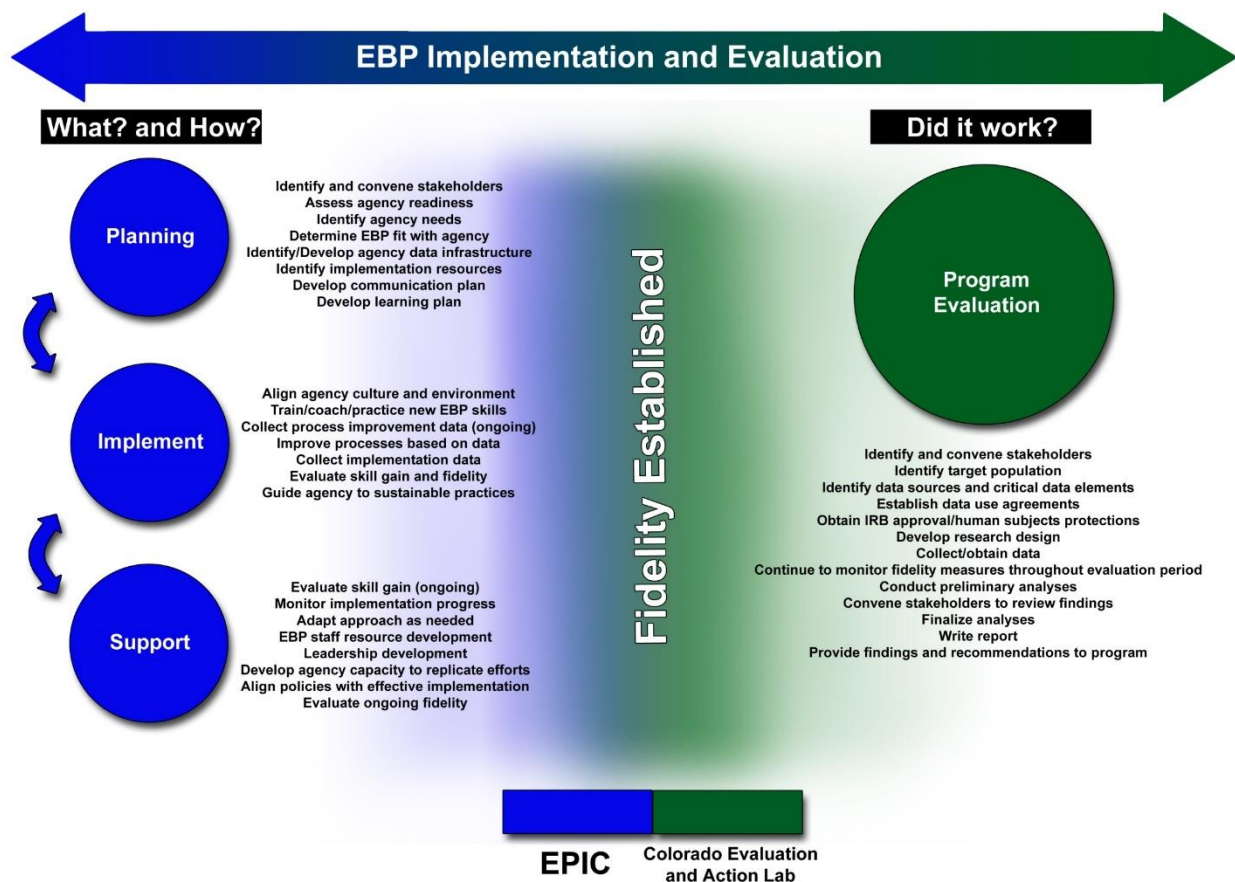
However, it is not possible to “just use” an evidenced based program, as the desired outcomes likely will not be achieved. If a program is executed in a manner that does not match the intended execution of the program, failure is the outcome that most often arises. The key to evidenced-based programming is implementation and successful implementation greatly increases the chance of achieving the desired outcome.

The implementation and evaluation process can be viewed as a continuous circle. One time through the circle is considered a cycle. Once a cycle has completed, the process starts back at the beginning. The cycle starts with a problem or opportunity followed by matching the problem or opportunity to an evidenced-based program. Next is implementation and support, which is followed by an evaluation. The evaluation can present new problems or opportunities (usually tweaks to make the program function more efficiently), which requires another run through the cycle.



Currently in the state, the implementation and evaluation portions are conducted by two separate groups. EPIC works on the planning, implementation, and support aspects of evidenced-based programs while the Colorado Evaluation and Action Lab (DU Lab) evaluates the program. It is advisable that two separate entities perform these functions. Having a single entity perform the implementation and the evaluation creates a conflict of interest and has the potential to skew the results.

EPIC and the DU Lab currently work in collaboration on these projects to provide a full cycle in the evidenced-based process. The EBP Implementation and Evaluation image below displays a simplified version of the process EPIC and DU Lab use for implementation and evaluation.



For FY 2019-20, the Joint Budget Committee approved internal policies on dealing with evidenced-based requests. The Committee approved the following policy:

If a decision item, or any other programmatic request, is identified as an evidence-based program/request, JBC staff will:

- 1 Review the item to determine where the program falls on the evidence-based continuum.
- 2 Add a section in the staff briefing (if the item is a briefing issue) and figure setting documents titled “Evidence-Based Evaluation.”
- 3 In the Evidenced-Based Evaluation section, JBC Staff will:
 - a. Describe the tier of the continuum where the program falls, the confidence level in the program, and include a brief explanation on why the program falls into this area.
 - b. Discuss the implementation plan for the program, or the lack of an implementation plan.
 - c. Discuss the expected outcomes from the program’s intervention.
- 4 Create an RFI that requires the Department or Agency running the program to report back on:
 - a. The implementation process used for the program and a discussion on the fidelity of implementation for the program;

- b. Results in relation to the outcomes expected from the program;
 - c. Lessons learned through implementation and administration of the program;
 - d. Changes made based on the lessons learned; and
 - e. Adjustments to outcomes based on lessons learned.
- 5 Report and discuss the information provided in the RFI to the Committee during the following fiscal year budget briefing process.

Furthermore, the Committee approved the following continuum and definitions:

EVIDENCE CONTINUUM	EXAMPLES OF EVIDENCE	CONFIDENCE IN THE PROGRAM
Proven	<ul style="list-style-type: none"> Two High Quality RCT's 	High
Evidence-Informed	<ul style="list-style-type: none"> 1 High Quality RCT 2 High Quality QEDs 	Moderate
Theory-Informed	<ul style="list-style-type: none"> No Control or Comparison Groups 	Moderate to Low
Opinion Based	<ul style="list-style-type: none"> Satisfaction Surveys Personal Experience Testimonials 	Low
Evaluation Investment	<ul style="list-style-type: none"> No Existing Evidence Quality Evaluation Planned 	Unknown

- *Evidence*: Research and evaluations that indicate whether a program is capable of influencing and/or changing an outcome of interest.
- *Evidence Continuum*: Evidence is built over time using a series of different research designs. The Evidence Continuum is the process of moving between the categories in the table above.
- *Comparison Group*: A group (typically people) in an evaluation that either did not receive a program or were not randomly assigned to receive a program. The two groups are compared to measure a program's ability to influence and/or change an outcome of interest. Comparison groups are typically used in Quasi-Experimental Designs.
- *Control Group*: A group (typically people) in an evaluation that have been randomly assigned to not receive a program. Data on the control group are compared to those receiving the program to measure a program's ability to influence and/or change an outcome of interest. Control groups are typically used in RCTs.
- *Outcome of Interest*: The outcome that a program aims to influence and/or change. Program outcomes typically reflect behaviors, such as reducing recidivism or increasing academic achievement.
- *Quasi-Experimental Designs (QEDs)*: A research method that uses a comparison group. QEDs can produce high-quality evidence; however, they are not as reliable as RCTs in accounting for differences between subjects who receive a program and those who do not. Importantly, QED methods vary widely in their rigor, particularly in their ability to ensure program and comparison

groups are equivalent on both observable and unobservable characteristics at the start of the program. However, some QEDs are highly capable of controlling for threats to internal validity and establishing causation.

- *Randomized Controlled Trial (RCT)*: A research method that uses a randomized control group, meaning that subjects are randomly assigned to either (i) a group that receives a program or (ii) a control group that does not. Random assignment provides greater confidence that there are no systematic differences between the two groups. As a result, any difference in outcomes between the groups after the program can confidently be attributed to the program.

STAFF RECOMMENDATION

Staff recommends that the Committee sponsor legislation to designate EPIC as the state's evidenced-based implementation entity. This change would entail removing the restrictions in statute that prevent EPIC from working with more than a handful of departments. Furthermore, staff recommends the legislation increase the scope of EPIC to allow it to work with existing programs in need, to work with departments at the early stages of program concept, to contract for evaluations (either through DU Lab or another appropriate entity), and to contract for experts in needed fields.

Appendix A: Numbers Pages

	FY 2016-17 Actual	FY 2017-18 Actual	FY 2018-19 Appropriation	FY 2019-20 Request	Request vs. Appropriation
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DEPARTMENT OF PUBLIC SAFETY

Stan Hilkey, Executive Director

(4) DIVISION OF CRIMINAL JUSTICE

Primary functions: Provide funding and set standards for community corrections programs. Administer grant programs that assist local and state law enforcement agencies and juvenile delinquency programs. Administer grant programs that assist crime victims. Assist the Domestic Violence and Sex Offender Management Boards in developing and implementing standards and policies for the treatment, monitoring, and management of adult domestic violence and sex offenders. Conduct studies analyzing criminal justice policies, problems, and programs and make related recommendations. Forecast offender populations. Encourage the use of evidence-based criminal justice practices.

(A) Administration

DCJ Administrative Services	<u>3,664,939</u>	<u>3,680,850</u>	<u>4,717,103</u>	<u>6,352,099</u>	
FTE	29.3	35.7	43.6	45.2	
General Fund	2,615,973	2,773,245	3,417,845	3,525,841	
Cash Funds	588,963	515,312	713,880	2,221,108	
Reappropriated Funds	332,372	392,293	457,747	471,013	
Federal Funds	127,631	0	127,631	134,137	
Indirect Cost Assessment	<u>693,989</u>	<u>774,343</u>	<u>765,926</u>	<u>778,480</u>	
General Fund	0	0	0	0	
Cash Funds	43,631	50,891	82,034	118,041	
Reappropriated Funds	0	0	0	0	
Federal Funds	650,358	723,452	683,892	660,439	
SUBTOTAL - (A) Administration	4,358,928	4,455,193	5,483,029	7,130,579	30.0%
FTE	<u>29.3</u>	<u>35.7</u>	<u>43.6</u>	<u>45.2</u>	<u>3.7%</u>
General Fund	2,615,973	2,773,245	3,417,845	3,525,841	3.2%
Cash Funds	632,594	566,203	795,914	2,339,149	193.9%
Reappropriated Funds	332,372	392,293	457,747	471,013	2.9%
Federal Funds	777,989	723,452	811,523	794,576	(2.1%)

Appendix A: Numbers Pages

	FY 2016-17 Actual	FY 2017-18 Actual	FY 2018-19 Appropriation	FY 2019-20 Request	Request vs. Appropriation
(B) Victims Assistance					
Federal Victims Assistance and Compensation Grants	<u>19,578,410</u>	<u>25,192,744</u>	<u>25,000,000</u>	<u>25,043,633</u>	
FTE	0.0	10.2	8.6	8.6	
General Fund	0	0	0	0	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	19,578,410	25,192,744	25,000,000	25,043,633	
State Victims Assistance and Law Enforcement Program	<u>1,297,705</u>	<u>1,269,550</u>	<u>1,500,000</u>	<u>1,500,000</u>	
General Fund	0	0	0	0	
Cash Funds	1,297,705	1,269,550	1,500,000	1,500,000	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
Child Abuse Investigation	<u>777,198</u>	<u>782,496</u>	<u>1,097,693</u>	<u>1,097,693</u>	
FTE	0.0	0.0	0.3	0.3	
General Fund	500,000	500,000	800,000	800,000	
Cash Funds	277,198	282,496	297,693	297,693	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
Sexual Assault Victim Emergency Payment Program	<u>167,744</u>	<u>165,714</u>	<u>167,933</u>	<u>167,933</u>	
FTE	0.2	0.1	0.2	0.2	
General Fund	167,744	165,714	167,933	167,933	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	

Appendix A: Numbers Pages

	FY 2016-17 Actual	FY 2017-18 Actual	FY 2018-19 Appropriation	FY 2019-20 Request	Request vs. Appropriation
Statewide Victim Information and Notification System (VINE)	<u>434,720</u>	<u>423,343</u>	<u>434,720</u>	<u>434,720</u>	
General Fund	434,720	423,343	434,720	434,720	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
SUBTOTAL - (B) Victims Assistance	22,255,777	27,833,847	28,200,346	28,243,979	0.2%
FTE	<u>0.2</u>	<u>10.3</u>	<u>9.1</u>	<u>9.1</u>	(0.0%)
General Fund	1,102,464	1,089,057	1,402,653	1,402,653	0.0%
Cash Funds	1,574,903	1,552,046	1,797,693	1,797,693	0.0%
Reappropriated Funds	0	0	0	0	0.0%
Federal Funds	19,578,410	25,192,744	25,000,000	25,043,633	0.2%
(C) Juvenile Justice and Delinquency Prevention					
Juvenile Justice Disbursements	<u>995,401</u>	<u>848,560</u>	<u>800,000</u>	<u>800,000</u>	
FTE	1.2	1.9	1.2	1.2	
General Fund	0	0	0	0	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	995,401	848,560	800,000	800,000	
Juvenile Diversion Programs	<u>1,612,775</u>	<u>1,601,818</u>	<u>1,641,139</u>	<u>1,641,139</u>	
FTE	1.1	1.1	1.2	1.2	
General Fund	1,241,138	1,241,016	1,241,139	1,241,139	
Cash Funds	371,637	360,802	400,000	400,000	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	

Appendix A: Numbers Pages

	FY 2016-17 Actual	FY 2017-18 Actual	FY 2018-19 Appropriation	FY 2019-20 Request	Request vs. Appropriation
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SUBTOTAL - (C) Juvenile Justice and Delinquency					
Prevention	2,608,176	2,450,378	2,441,139	2,441,139	0.0%
<i>FTE</i>	<u>2.3</u>	<u>3.0</u>	<u>2.4</u>	<u>2.4</u>	<u>(0.0%)</u>
General Fund	1,241,138	1,241,016	1,241,139	1,241,139	0.0%
Cash Funds	371,637	360,802	400,000	400,000	0.0%
Reappropriated Funds	0	0	0	0	0.0%
Federal Funds	995,401	848,560	800,000	800,000	0.0%

(D) Community Corrections

Community Corrections Placements	<u>56,434,600</u>	<u>57,400,487</u>	<u>60,872,715</u>	<u>61,651,601</u> *
General Fund	56,434,600	57,400,487	60,872,715	61,651,601
Cash Funds	0	0	0	0
Reappropriated Funds	0	0	0	0
Federal Funds	0	0	0	0
Correctional Treatment Cash Fund Residential Placements	<u>2,643,869</u>	<u>2,335,186</u>	<u>2,707,740</u>	<u>2,726,526</u>
General Fund	0	0	0	0
Cash Funds	0	0	0	0
Reappropriated Funds	2,643,869	2,335,186	2,707,740	2,726,526
Federal Funds	0	0	0	0
Subsistence Payment	<u>0</u>	<u>0</u>	<u>275,000</u>	<u>0</u>
General Fund	0	0	275,000	0

*Line item contains a decision item.

Appendix A: Numbers Pages

	FY 2016-17 Actual	FY 2017-18 Actual	FY 2018-19 Appropriation	FY 2019-20 Request	Request vs. Appropriation
Community Corrections Facility Payments	<u>3,327,249</u>	<u>4,194,886</u>	<u>4,194,886</u>	<u>4,237,254</u>	*
General Fund	3,327,249	4,194,886	4,194,886	4,237,254	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
Community Corrections Boards Administration	<u>2,309,818</u>	<u>2,352,338</u>	<u>2,507,688</u>	<u>2,539,704</u>	*
General Fund	2,309,818	2,352,338	2,507,688	2,539,704	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
Services for Substance Abuse and Co-occurring Disorders	<u>2,229,146</u>	<u>2,468,241</u>	<u>2,615,598</u>	<u>2,642,016</u>	*
General Fund	0	0	0	0	
Cash Funds	0	0	0	0	
Reappropriated Funds	2,229,146	2,468,241	2,615,598	2,642,016	
Federal Funds	0	0	0	0	
Specialized Offender Services	<u>157,333</u>	<u>260,940</u>	<u>263,549</u>	<u>266,211</u>	*
General Fund	157,333	260,940	263,549	266,211	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
Offender Assessment Training	<u>10,507</u>	<u>10,507</u>	<u>10,507</u>	<u>10,507</u>	
General Fund	10,507	10,507	10,507	10,507	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	

*Line item contains a decision item

Appendix A: Numbers Pages

	FY 2016-17 Actual	FY 2017-18 Actual	FY 2018-19 Appropriation	FY 2019-20 Request	Request vs. Appropriation
Intensive Residential Treatment Expansion	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	
General Fund	0	0	0	0	
SUBTOTAL - (D) Community Corrections	67,112,522	69,022,585	73,447,683	74,073,819	0.9%
FTE	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>	<u>0.0%</u>
General Fund	62,239,507	64,219,158	68,124,345	68,705,277	0.9%
Cash Funds	0	0	0	0	0.0%
Reappropriated Funds	4,873,015	4,803,427	5,323,338	5,368,542	0.8%
Federal Funds	0	0	0	0	0.0%

(E) Crime Control and System Improvement

State and Local Crime Control and System Improvement

Grants	<u>2,966,540 3.1</u>	<u>1,342,661 2.5</u>	<u>3,000,000</u>	<u>3,000,000</u>	
General Fund	0	0	0	0	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	2,966,540	1,342,661	3,000,000	3,000,000	
Sex Offender Surcharge Fund Program	<u>134,436</u>	<u>144,893</u>	<u>232,336</u>	<u>232,586</u>	
FTE	1.4	1.5	2.4	2.4	
General Fund	0	0	83,262	83,471	
Cash Funds	134,436	144,893	149,074	149,115	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	

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	FY 2016-17 Actual	FY 2017-18 Actual	FY 2018-19 Appropriation	FY 2019-20 Request	Request vs. Appropriation
Sex Offender Supervision	<u>352,732</u>	<u>352,765</u>	<u>358,535</u>	<u>360,370</u>	
FTE	3.6	3.8	3.2	3.2	
General Fund	352,732	352,765	358,535	360,370	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
Treatment Provider Criminal Background Checks	<u>29,825</u>	<u>33,326</u>	<u>49,606</u>	<u>49,606</u>	
FTE	0.2	0.2	0.6	0.6	
General Fund	0	0	0	0	
Cash Funds	29,825	33,326	49,606	49,606	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
Federal Grants	<u>3,828,680</u>	<u>3,867,102</u>	<u>5,000,000</u>	<u>5,000,000</u>	
FTE	10.5	3.3	10.5	10.5	
General Fund	0	0	0	0	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	3,828,680	3,867,102	5,000,000	5,000,000	
EPIC Resource Center	<u>864,492</u>	<u>736,681</u>	<u>888,694</u>	<u>910,683</u>	
FTE	9.4	7.7	9.0	9.0	
General Fund	864,492	736,681	888,694	910,683	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	

Appendix A: Numbers Pages

	FY 2016-17 Actual	FY 2017-18 Actual	FY 2018-19 Appropriation	FY 2019-20 Request	Request vs. Appropriation
Law Enforcement Assistance Grants	<u>0</u>	<u>0</u>	<u>1,487,821</u>	<u>0</u>	
FTE	0.0	0.0	0.8	0.0	
Cash Funds	0	0	1,487,821	0	
Criminal Justice Training Fund	<u>70,116</u>	<u>83,793</u>	<u>120,000</u>	<u>120,000</u>	
FTE	0.0	0.0	0.5	0.5	
General Fund	0	0	0	0	
Cash Funds	70,116	83,793	120,000	120,000	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
Methamphetamine Abuse Task Force Fund	<u>2,123</u>	<u>2,521</u>	<u>3,000</u>	<u>3,000</u>	
General Fund	0	0	0	0	
Cash Funds	2,123	2,521	3,000	3,000	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
MacArthur Foundation Grant	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	
General Fund	0	0	0	0	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
Colorado Regional and Community Policing Institute	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	
FTE	0.0	0.0	0.0	0.0	
General Fund	0	0	0	0	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	

Appendix A: Numbers Pages

	FY 2016-17 Actual	FY 2017-18 Actual	FY 2018-19 Appropriation	FY 2019-20 Request	Request vs. Appropriation
SUBTOTAL - (E) Crime Control and System					
Improvement	8,248,944	6,563,742	11,139,992	9,676,245	(13.1%)
<i>FTE</i>	<u>28.2</u>	<u>19.0</u>	<u>27.0</u>	<u>26.2</u>	<u>(3.0%)</u>
General Fund	1,217,224	1,089,446	1,330,491	1,354,524	1.8%
Cash Funds	236,500	264,533	1,809,501	321,721	(82.2%)
Reappropriated Funds	0	0	0	0	0.0%
Federal Funds	6,795,220	5,209,763	8,000,000	8,000,000	0.0%
TOTAL - (4) Division of Criminal Justice	104,584,347	110,325,745	120,712,189	121,565,761	0.7%
<i>FTE</i>	<u>60.0</u>	<u>68.0</u>	<u>82.1</u>	<u>82.9</u>	<u>1.0%</u>
General Fund	68,416,306	70,411,922	75,516,473	76,229,434	0.9%
Cash Funds	2,815,634	2,743,584	4,803,108	4,858,563	1.2%
Reappropriated Funds	5,205,387	5,195,720	5,781,085	5,839,555	1.0%
Federal Funds	28,147,020	31,974,519	34,611,523	34,638,209	0.1%
TOTAL - Department of Public Safety	104,584,347	110,325,745	120,712,189	121,565,761	0.7%
<i>FTE</i>	<u>60.0</u>	<u>68.0</u>	<u>82.1</u>	<u>82.9</u>	<u>1.0%</u>
General Fund	68,416,306	70,411,922	75,516,473	76,229,434	0.9%
Cash Funds	2,815,634	2,743,584	4,803,108	4,858,563	1.2%
Reappropriated Funds	5,205,387	5,195,720	5,781,085	5,839,555	1.0%
Federal Funds	28,147,020	31,974,519	34,611,523	34,638,209	0.1%

APPENDIX B

RECENT LEGISLATION AFFECTING DEPARTMENT BUDGET

2017 SESSION BILLS

S.B. 17-021 (ASSISTANCE TO RELEASED MENTALLY ILL OFFENDERS): Establishes a housing program for persons with mental illness transitioning from incarceration to be managed by the Department of Local Affairs (DOLA). Subject to available appropriations, requires DOLA to: (1) provide vouchers and other support services to persons with a mental health disorder or co-occurring behavioral health disorder that are newly released from the Department of Corrections (DOC), the Division of Youth Corrections (DYC) in the Department of Human Services, or county jail; and (2) provide grants or loans for the acquisition, construction, or rehabilitation of rental housing for persons with behavioral or mental health disorders.

Creates the Housing Assistance for Persons Transitioning from Incarceration Cash Fund, which consists of money transferred from the Department of Public Safety (DPS) and money appropriated by the General Assembly. Any money appropriated from the General Fund for community corrections that is unexpended or unencumbered at the close of FY 2016-17 is transferred to the new cash fund for appropriation to DOLA for housing assistance.

S.B. 17-168 (SUPPLEMENTAL BILL): Modifies FY 2016-17 appropriations to the Department.

S.B. 17-254 (LONG BILL): General appropriations act for FY 2017-18.

H.B. 17-1315 (DIVISION OF CRIMINAL JUSTICE TO REPORT DUI DATA): Requires the Division of Criminal Justice (DCJ) to submit an annual report to the General Assembly containing information about substance-affected driving violations based on information collected from the Judicial Branch, the Department of Public Health and Environment (DPHE), and forensic toxicology labs. Requires anyone convicted of driving under the influence, driving while ability impaired, vehicular assault, or vehicular homicide to pay a \$2 data-analysis surcharge that is deposited in the Substance-Affected Driving Data-Analysis Cash Fund. Appropriates \$20,352 from this cash fund to the DCJ for FY 2017-18 and appropriates \$5,352 to the DPHE from reappropriated funds, which is based on the assumption that the DPHE will require 0.1 FTE.

2018 SESSION BILLS

S.B. 18-016 (CONTINUE TRANSFER OF COMMUNITY CORRECTIONS REVERSIONS): Continues indefinitely the annual transfer of any unspent General Fund appropriations for the Department of Public Safety's Division of Criminal Justice community corrections programs to the Housing Assistance for Persons Transitioning from the Criminal or Juvenile Justice System Cash Fund in the Department of Local Affairs. For more information, see the corresponding bill description in the "Recent Legislation" section at the end of Part III of the Department of Local Affairs

S.B. 18-027 (ENHANCED NURSE LICENSURE COMPACT): Adopts the Enhanced Nurse Licensure Compact and repeals the existing Nurse Licensure Compact. The enhanced compact requires that

all registered and licensed practical nurses licensed after July 20, 2017, complete a fingerprint-based criminal history check in order to participate in the compact. Nurses holding a multi-state license prior to July 20, 2017, will be grandfathered into the enhanced compact. For FY 2017-18 and FY 2018-19, appropriates \$233,702 and \$336,009 cash funds, respectively, to the Colorado Bureau of Investigation for the completion of criminal history record checks.

S.B. 18-071 (REAUTHORIZE SUBSTANCE ABUSE AND TREND RESPONSE TASK FORCE): Reauthorizes until 2028 the Substance Abuse and Trend Response Task Force, which helps local communities implement effective substance abuse prevention, intervention, and treatment practices and effective criminal-justice-system responses. For FY 2018-19, appropriates \$3,000 to the Department from the Substance Abuse, Prevention, Intervention, and Treatment Cash Fund, which is funded with gifts, grants, and donations.

S.B. 18-158 (SCHOOL ACCESS TO INTEROPERABLE COMMUNICATION TECH): Creates a grant program to provide funding to schools or public safety network owners for costs related to improving interoperable communications between schools and first responders. The bill sets a six-year annual transfer of \$5.0 million for the program, with a corresponding expenditure increase in the Department of Public Safety through FY 2023-24.

S.B. 18-202 (CO FIREFIGHTING AIR CORPS FUND RESERVE EXEMPTION): Exempts the Colorado Firefighting Air Corps (CFAC) Cash Fund from the statutory limit on uncommitted reserves.

S.B. 18-229 (CDE STUDENT TEACHER CRIMINAL HISTORY RECORD CHECKS): Permits a student in an educator preparation program to obtain a fingerprint-based criminal history record check from the Colorado Bureau of Investigation (CBI). The CBI must provide the results of the background checks to the educator preparation program in which the student is enrolled and make the results available to schools and school districts. Appropriates \$34,065 cash funds from the CBI Identification Unit Fund and 0.2 FTE in FY 2018-19.

S.B. 18-269 (SCHOOL SECURITY DISBURSEMENT PROGRAM): Creates a program in the Department of Public Safety to disburse funds to local education providers to make school security-related improvements. Increases state expenditures from the School Safety Resource Center Cash Fund by \$30.0 million between FY 2018-19 and FY 2020-21.

H.B. 18-1020 (CIVIL FORFEITURE REFORMS): Makes changes to civil asset forfeiture reporting requirements and establishes two law enforcement grant programs. For FY 2018-19, appropriates \$1,487,821 from the Marijuana Tax Cash Fund and 0.8 FTE to the Department.

H.B. 18-1165 (SUPPLEMENTAL BILL): Modifies FY 2017-18 appropriations to the Department.

H.B. 18-1251 (COMMUNITY CORRECTIONS TRANSITION PLACEMENTS): Modifies the procedures for community corrections transition placement referrals involving the State Board of Parole, the Department of Corrections, community corrections boards, and community corrections programs. For FY 2018-19 appropriates \$264,070 General Fund and 0.8 FTE to the Department.

H.B. 18-1287 (REAUTHORIZE COMMISSION ON CRIMINAL AND JUVENILE JUSTICE): Reauthorizes until 2023 the Commission on Criminal and Juvenile Justice, which engages in

evidence-based analysis of the Colorado criminal justice system and annually reports to the Governor, the General Assembly, and the Chief Justice of the Colorado Supreme Court. For FY 2018-19, appropriates \$255,443 General Fund and 2.5 FTE to the Department, which continues the Commission's current funding level.

H.B. 18-1322 (LONG BILL): General appropriations act for FY 2018-19. Includes provisions modifying FY 2017-18 appropriations to the Department.

H.B. 18-1339 (BACKGROUND CHECKS FOR EMPLOYEES WITH ACCESS TO FEDERAL TAX INFORMATION): Requires each applicant, state employee, state contractor, or other individual who has or may have access through a state agency to federal tax information received from the federal government to submit to a fingerprint-based criminal history records check. Specifies that a state agency that shares such federal tax information with a county may authorize and require the county department applicants, employees, contractors, or other individuals to submit to a fingerprint-based criminal history records check. Requires a state agency to deny access to federal tax information received from the federal government to any individual who does not pass the fingerprint-based criminal history record check. Provides FY 2018-19 appropriations to multiple departments for associated costs, including \$121,748 reappropriated funds and 0.6 FTE to the Department of Public Safety. For additional information, see the "Recent Legislation" section at the end of Part III for the Department of Personnel Revenue.

H.B. 18-1413 (SCHOOL SAFETY GRANT PROGRAM): Creates the Enhance School Safety Incident Response Grant Program to provide funding for research, program development, and training to improve school safety incident response. For FY 2018-19, appropriates \$500,000 cash funds from the School Safety Resource Center Cash Fund to the Department of Public Safety.

APPENDIX C

FOOTNOTES AND INFORMATION REQUESTS

UPDATE ON LONG BILL FOOTNOTES

- 98 Department of Public Safety, Division of Criminal Justice, Community Corrections -- It is the General Assembly's intent that the Office of Community Corrections be able to execute community corrections contracts structured with a one-year initial term with four one-year extension terms.

COMMENT: This department is in compliance with this footnote.

- 99 Department of Public Safety, Division of Criminal Justice, Community Corrections, Community Corrections Placements -- This appropriation assumes the daily rates and average daily caseloads listed in the following table and is based on the following assumptions: the base rate for standard nonresidential services is a weighted average of the rates for four different levels of service; community corrections providers will collect client fees of up to \$17 per day for residential placements and up to \$3 per day for nonresidential placements; client fees may be partially or fully waived in specialized residential and non-residential programs with the approval of the Division of Criminal Justice; pursuant to its authority to administer and execute contracts under Section 17-27-108, C.R.S., the Division of Criminal Justice will ensure that every reasonable effort is made to achieve such collections; and outpatient therapeutic community programs: (1) will receive the standard non-residential base rate for all offenders in their programs, including Department of Corrections clients; (2) will receive the outpatient therapeutic community base rate for all clients in program phases other than the post graduate phase, including Department of Corrections clients; (3) will not receive the outpatient therapeutic community base rate or the non-residential base rate for probation clients; (4) will collect client fees of up to \$3 per day; and (5) will not receive payment from the Department of Corrections for services covered by the standard non-residential base rate or the outpatient therapeutic community base rate. Of this appropriation, \$1,545,409 is from the savings produced by H.B. 10-1360 pursuant to Section 17-2-103 (11.5), C.R.S., for parolee Intensive Residential Treatment beds and for parolee sex offender beds and 48 Intensive Residential Treatment beds are from savings produced by S.B. 15-124.

Placement Type	Rates			Caseload			Appropriation
	Base	Differential	Total	Diversion	Transition	Parole	
Standard residential	\$43.11	\$0.00	\$43.11	1,183.0	1464.0	109.0	\$42,786,505
Cognitive behavioral treatment pilot program	43.11	53.17	96.28	24.0	24.0	0.0	1,686,826
Intensive Residential Treatment	43.11	47.83	90.94	39.0	43.0	68.0	4,978,965
Inpatient Therapeutic Community	43.11	28.40	71.51	58.0	49.0	15.0	3,184,340
Residential Dual Diagnosis Treatment	43.11	36.14	79.25	64.0	46.0	14.0	3,586,855
Sex Offender	43.11	36.14	79.25	57.0	20.0	13.0	2,603,363
Standard Non-residential	6.28	0	6.28	574.0	5.0	5.0	1,338,645
Outpatient Therapeutic Community	22.53	0	22.53	55.0	25.0	6.0	707,217
Total				2,054.0	1,676.0	230.0	\$60,872,715

COMMENT: This footnote is part of the community corrections placements appropriations.

- 100 Department of Public Safety, Division of Criminal Justice, Community Corrections, Correctional Treatment Cash Fund Residential Placements -- This appropriation includes funding for 48 condition-of-probation placements at rates corresponding to those in footnote 99.

COMMENT: This footnote makes it clear that all Intensive Residential Treatment (IRT) Beds receive the same reimbursement from the Division of Criminal Justice.

- 100a Department of Public Safety, Division of Criminal Justice, Community Corrections, Subsistence payment – It is the General Assembly’s intent this appropriation be used to pay the \$17.00 per day subsistence payment to community corrections providers on behalf of the client for the first ten days of residence or until the client receives their first paycheck, whichever comes first.

COMMENT: This department is in compliance with this footnote.

- 101 Department of Public Safety, Division of Criminal Justice, Community Corrections, Community Corrections Facility Payments -- The amount of the appropriation assumes that the Department will make lower facility payments to programs that have lower costs due to case management staffing shortfalls or security and case management salary shortfalls relative to the staffing and salary model upon which the appropriation is based. Because per diem rates only changed a small amount for FY 2018-19, these appropriations further assume that salary and staffing levels deemed adequate for FY 2017-18 will be deemed adequate for FY 2018-19 and that community corrections facilities with an average of 32 or more security FTE will receive a second facility payment.

COMMENT: The footnote explains the intent of the General Assembly when setting the appropriations for the Community Corrections Facility Payment line item.

UPDATE ON REQUESTS FOR INFORMATION

MULTIPLE DEPARTMENT REQUEST FOR INFORMATION

- 1 Department of Corrections; Department of Human Services; Judicial Department; Department of Public Safety; and Department of Transportation -- State agencies involved in multi-agency programs requiring separate appropriations to each agency are requested to designate one lead agency to be responsible for submitting a comprehensive annual budget request for such programs to the Joint Budget Committee, including prior year, request year, and three year forecasts for revenues into the fund and expenditures from the fund by agency. The requests should be sustainable for the length of the forecast based on anticipated revenues. Each agency is still requested to submit its portion of such request with its own budget document. This applies to requests for appropriation from: the Alcohol and Drug Driving Safety Program Fund, the Law Enforcement Assistance Fund, the Offender

Identification Fund, the Persistent Drunk Driver Cash Fund, and the Sex Offender Surcharge Fund, among other programs.

COMMENT: This request for information is intended to ensure that Departments coordinate requests that draw on the same cash fund. Each Department is required to include, as part of its budget request, a Cash Fund Report (a "schedule 9") for each cash fund it administers to comply with the statutory limit on cash fund reserves, and to allow both the Office of State Planning and Budgeting and the Joint Budget Committee to make informed decisions regarding the utilization of cash funds for budgeting purposes. For funds that are shared by multiple departments, the department that administers the fund is responsible for coordinating submission of expenditure and revenue information from all departments to construct a schedule 9 that incorporates all activity in the fund. One of the funds referenced in this RFI pertains to the Division of Criminal Justice within the Department of Public Safety.

Sex Offender Surcharge Fund [Section 18-21-103 (3), C.R.S.] – This fund consists of 95.0 percent of sex offender surcharge revenues. These surcharges range from \$150 to \$3,000 for each conviction or, in the case of juveniles, adjudication. Money in this fund is subject to annual appropriation in the Judicial Department, the Department of Corrections, the Department of Public Safety's Division of Criminal Justice, and the Department of Human Services to cover the direct and indirect costs associated with the evaluation, identification, and treatment and the continued monitoring of sex offenders. Pursuant to 16-11.7-103 (4)(c), C.R.S., the Sex Offender Management Board is required to develop and submit to the General Assembly the plan for the allocation of money deposited in this fund. Below are the recommendations for expenditures.



COLORADO

Division of Criminal Justice

Department of Public Safety

Sex Offender Management Unit
700 Kipling Street, Suite 1000
Lakewood, CO 80215

303-239-4442

August 13, 2018

COLORADO SEX OFFENDER MANAGEMENT BOARD Recommendations for Expenditures From the Sex Offender Surcharge Fund

Pursuant to Section 16-11.7-103(4)(c) C.R.S., the Sex Offender Management Board "shall develop a plan for the allocation of moneys deposited in the sex offender surcharge fund created pursuant to Section 18-21-103(3) C.R.S. among the Judicial Department, the Department of Corrections, the Division of Criminal Justice of the Department of Public Safety, and the Department of Human Services."

On August 17, 2018, the Sex Offender Management Board met and endorsed the following plan for expenditures from the limited dollars in the cash fund for Fiscal Year 2019-2020:

1. \$ 163,591 to the Division of Criminal Justice (DCJ) for administration and implementation of the Standards (personnel, contract, operating and POTS dollars for FTE appropriated positions amended to reflect actual base and POTS dollars). \$3,500 of these funds will be used to provide cross-system training. These dollars may be matched by grants as available.
2. \$302,029 to the Judicial Department for direct services, beginning with the funding of sex offender evaluations, assessments and polygraphs required by statute during the pre-sentence investigation.
3. \$30,041 to the Department of Corrections to be used to manage sex offender data collection, including entry of ViCAP, psychological and risk assessment test results and demographics for use in treatment planning and research (personnel, operating and POTS dollars for FTE appropriated positions).
4. \$38,250 to the Department of Human Services to be used for training and technical assistance to county departments, the Division of Youth Corrections, and the Division of Child Welfare.

The total expenditures from the fund will be \$533,911.

When the above needs have been satisfied, additional dollars for direct services for additional sex offender treatment, polygraphs or related services should be considered. At that time this plan will be updated.

Marcelo Kopcow
Chair, Sex Offender Management Board

8-17-18
Date

DEPARTMENT OF PUBLIC SAFETY REQUESTS

- 2 Department of Public Safety, Division of Criminal Justice, Community Corrections, Community Corrections Placements, Correctional Treatment Cash Fund Residential Placements, and Community Corrections Facility Payments -- As part of its FY 2018-19 budget request, the Department is requested to report actual average daily community corrections placements for recently completed fiscal years with a level of detail compatible with the table in Long Bill footnote 99. This document should also report condition of probation placements. The Department is requested to update the report with year-to-date community corrections placements shortly after January 1, 2019. The January report should also include an estimated placements table for FY 2019-20. If the Department believes that a supplemental adjustment to the FY 2018-19 Community Corrections Placements appropriation is needed, the Department is requested to also submit an estimated placements table for FY 2018-19. If the Department estimates that the actual number of Community Corrections facility payments in either FY 2018-19 or FY 2019-20 will differ from the number on which the FY 2018-19 facility payments appropriation is based, the Department is requested to include that information in its January report. These estimates are not intended to be formal statistical forecasts, but informal estimates based upon year-to-date caseload, knowledge of facilities that are opening and closing or expanding and contracting, and upon other factors that influence the community corrections appropriations. The Department is requested to submit a brief narrative with the estimates.

COMMENT: The Department is not required to submit an update to this information until January 2019.

- 3 Department of Public Safety, Division of Criminal Justice, Community Corrections, Community Corrections Placements -- As part of its FY 2019-20 budget request, the Department is requested to report the estimated continuing financial impact on community corrections facilities and community corrections boards of any standards that the Department issued or revised during the most recently concluded fiscal year. The continuing financial impact is the continuing annual cost of compliance after the initial costs of implementation have been incurred. This report should include a summary of the changed standards, an estimate of the amount of continuing additional staff time it will take facilities or boards to comply, an estimate of the number of continuing additional FTE that will be required for compliance, and an estimate of continuing additional financial costs that facilities or boards may incur.

COMMENT: This department submitted this information as part of the November 1st budget request submittal.

APPENDIX D

DEPARTMENT ANNUAL PERFORMANCE REPORT

Pursuant to Section 2-7-205 (1)(b), C.R.S., the Department of Public Safety is required to publish an **Annual Performance Report** for the *previous fiscal year* by November 1 of each year. This report is to include a summary of the Department's performance plan and most recent performance evaluation for the designated fiscal year. In addition, pursuant to Section 2-7-204 (3)(a)(I), C.R.S., the Department is required to develop a **Performance Plan** and submit the plan for the *current fiscal year* to the Joint Budget Committee and appropriate Joint Committee of Reference by July 1 of each year.

For consideration by the Joint Budget Committee in prioritizing the Department's FY 2019-20 budget request, the FY 2017-18 Annual Performance Report dated October 2017 and the FY 2018-19 Performance Plan can be found at the following link:

<https://www.colorado.gov/pacific/performancemanagement/departments-performance-plans>

APPENDIX E – DESCRIPTION OF COMMUNITY CORRECTIONS PROGRAMS

The purpose of the residential phase of community corrections is to provide offenders with the knowledge and skills necessary to be emotionally, cognitively, behaviorally and financially prepared for their reintegration into the community. Residential programs strive to accomplish this rehabilitative task by a variety of means with an emphasis on evidence-based practices. Through evidence-based, assessment-driven individual treatment plans, programs attempt to match offender risks and needs with the most appropriate treatment modality. Offenders are assisted in obtaining regular employment and encouraged to participate in educational and vocational services. Programs monitor the payment of restitution, court fines, court-ordered child support and useful community service requirements. Program staff carefully monitor offenders in the community to enhance offender accountability and to address public safety concerns.

Non-Resident Programs

Offenders in non-residential programs have been successful in highly structured residential settings, and have addressed criminogenic risk areas, progressed in or completed treatment, obtained a suitable independent living arrangement, and managed their finances appropriately. While in non-residential placement, offenders are required to meet with case management staff, continue addressing criminogenic and non-criminogenic risk areas, participate in treatment and/or support services, retain employment, honor their financial responsibilities and remain drug and alcohol free. Non-residential offenders are also subject to random monitoring of their living situations and employment verifications. Depending on supervision and treatment needs, an offender may be transferred back to a residential community corrections program for additional services.³

Intensive Residential Treatment

Intensive Residential Treatment (IRT) is a correctional treatment program for individuals with serious substance use problems and is structured to accommodate persons with disorders related to prolonged substance use. Additionally, IRT programs treat individuals who lack a positive support system, experience denial and exhibit an inability to sustain independent functioning outside of a controlled environment.

IRT programs last 90 days and offenders participate in forty hours of therapeutic treatment per week. The purpose of IRT is to provide a brief, intense treatment intervention. Treatment is aimed at increasing positive coping and relapse prevention skills and identifying negative thinking errors that have resulted in prior substance use and criminal behavior. Due to the intensive nature of IRT, offenders do not leave the facility, seek employment, or address other community needs while in the program. Throughout the IRT program, the clients' focus is primarily on substance use and any mental or physical health concerns that must be addressed in order for them to be successful in future community placements. IRT programs receive a differential per Diem of \$46.71 per day to offset the costs of treatment and subsistence fees.⁴

³ Division of Criminal Justice, Office of Community Corrections Annual Report. Page 42.
<https://cdpsdocs.state.co.us/occ/Reports/FY16AnnualReport-FINAL-AsPublished-022217.pdf>

⁴ Division of Criminal Justice, Office of Community Corrections Annual Report. Page 49.
<https://cdpsdocs.state.co.us/occ/Reports/FY16AnnualReport-FINAL-AsPublished-022217.pdf>

Residential Dual Diagnosis Treatment

Residential Dual Diagnosis Treatment is a program designed for these individuals in order to address co-occurring substance use and mental health disorders while building positive support systems and increasing overall ability to function in the community. These programs are structured to accommodate persons in need of additional supervision and treatment services in order to successfully reintegrate into the community. RDDT programs are professionally supervised therapeutic environments geared toward drug and alcohol abstinence, improved mental health and desistance from continued criminal conduct. Generally, the treatment program is aimed at offenders with both significant substance use and mental illness, including those whose previous treatment failures necessitate more intensive measures.

Specialized Sex Offender Supervision and Treatment

Sex Offender Supervision and Treatment in Community Corrections (SOSTCC) is intended for felony sex offenders who are under the jurisdiction of community corrections programs. As is the belief of the Colorado Sex Offender Management Board, *"It is in the best interest of public safety for each community to have a continuum of management and treatment options so that treatment is appropriately matched to the client."* *When treatment is responsive to an offender's risk level and needs, offenders "are capable of change."* In addition, *"Treatment and supervision are most effective when they are individualized, and incorporate evidence-based and research informed practices...Community safety is further enhanced when treatment providers and community supervision professionals practice in their area of specialization and work together."* The purpose of Sex Offender Supervision and Treatment in Community Corrections is to provide treatment and monitoring for eligible clients in community corrections in hopes of successful transition back to the community after completion of the residential intervention.

Cognitive Behavioral Treatment Pilot Program

The Cognitive Behavioral Therapeutic pilot program is specialized for a targeted male population who are high risk with high intrinsic needs in the areas of antisocial mindsets and cognitive structures, criminal orientation/personality and impulse control skill deficits. This is a 5-year, high intensity, 48 bed pilot program which aims to serve at least 200 high risk/high intrinsic needs clients annually. The program utilizes a 3-phase approach to address specific intrinsic and primary criminogenic needs of high risk criminal clients. Each phase of programming includes risk-informed and evidence-informed efforts in supervision, evidence-based interventions and applies research based dosage targets with phases one and two incorporating a minimum of 250 hours of therapeutic and skill building interventions. Clients in the CBT program engage in 40 hours per week of clinical and directed skill practice interventions over 6 days each week.

Therapeutic Community

Similar to Intensive Residential Treatment (IRT) programs, therapeutic community programs are residential in nature but have greater lengths of stay. Typically, therapeutic communities have a 9-month length of stay at a minimum and provide 5 hours of direct therapeutic interventions to each client weekly plus additional interventions from peers and staff. Therapeutic communities are designed for high risk and high need individuals with extensive life-course criminal patterns, long-term antisocial behavior, substance dependence diagnoses, and multiple unsuccessful treatment attempts due to prolonged substance use disorders. TC programs use confrontation techniques and place high levels of responsibility on the individual participants for their treatment using the peer community as a primary method of behavioral intervention.

Figure 1B - Percent Share of Specialized Bed Allocations in Community Corrections

(Expressed in Annual Budget Allocations to Providers)

Specialized Residential Populations Only

December 2017

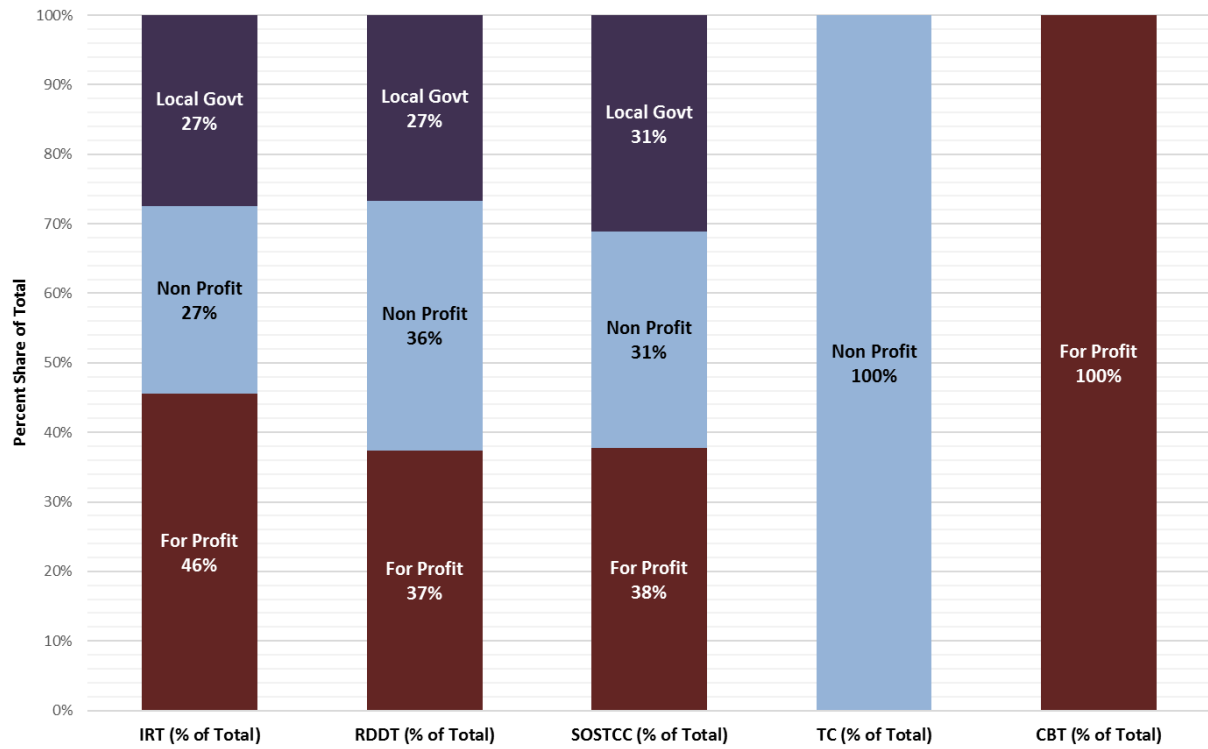


Figure 1C - Percent Share of Specialized Facilities in Community Corrections

(Expressed in Number of Facilities with Specialized Contracts)

Specialized Residential Populations Only

December 2017

